

a description of components and systems that are no longer relevant to safety. Instead ComEd has proposed and committed to prepare and submit an update to the FSAR reflecting the permanently defueled condition of Zion, Units 1 and 2, by December 31, 1998. This update will become Zion's Defueled Safety Analysis Report (DSAR).

Because ComEd's board decision on January 14, 1998, to shut down Zion was unexpected, ComEd staff did not have adequate time to develop the DSAR. Therefore, ComEd is requesting an extension of the update interval to allow sufficient time to develop and submit the DSAR. In their letter dated March 12, 1998, ComEd stated that many of the technical, administrative, and management resources needed to develop a DSAR are the same as those that would be involved in updating the FSAR. Consequently, updating the current FSAR by July 1998, would result either in a delay in developing a DSAR or in the expenditure of significant additional resources to develop a DSAR while preparing an FSAR update submittal in parallel.

### III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 (1) when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. \* \* \*"

The underlying purpose of 10 CFR 50.71 is to provide updated information and descriptions which are needed to permit understanding of the system designs and their relationships to safety evaluations. The last update to the Zion FSAR was submitted on July 5, 1996. Therefore, the next update is due no later than July 1998. However, because ComEd has permanently ceased operation of the Zion Nuclear Power Station, Units 1 and 2, many of the systems and components that were

previously required for the safe operation of the plants are no longer needed. Therefore, by updating the current FSAR, ComEd would be providing information on equipment and systems that are no longer relevant to the safety of the plant. ComEd has committed to providing Zion's DSAR by December 1998. This DSAR update will meet the underlying purpose of the rule in which the status of equipment and systems relevant to a non-operating plant will be provided to NRC and docketed. Furthermore, this exemption will have no impact on the ability of structures, systems, and components to perform the safety functions required with the plant permanently shut down and defueled.

### IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate date for submittal of the DSAR will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), in that the DSAR will provide the required information relevant to the current status of the plant.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property or the common defense and security and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.71(e)(4) in that ComEd may extend its Updated Final Safety Analysis Report submittal date from July 1998 to December 31, 1998.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will not have a significant effect on the quality of the human environment (63 FR 35294).

This exemption is effective upon issuance.

Dated at Rockville, MD, this 30th day of June 1998.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Atomic Safety and Licensing Board Panel

[Docket No. 55-22234-SP; ASLBP No. 98-745-01-SP]

### Randall L. Herring, Operator License for Catawba Nuclear Station; Notice of Hearing

June 30, 1998.

Notice is hereby given that, by Memorandum and Order dated June 30, 1998, the Presiding Officer has granted the request of Mr. Randall L. Herring for a hearing on the NRC Staff's denial of his application for an operator license for the Catawba Nuclear Station. The hearing is to be conducted under the Commission's informal hearing procedures set forth in 10 CFR Part 2, Subpart L. Administrative Judge Charles Bechhoefer has been designated Presiding Officer to conduct this hearing, and the Presiding Officer has appointed Administrative Judge Richard F. Cole to serve as his Special Assistant in developing a suitable record. 63 FR 34197 (June 23, 1998). The parties to this proceeding are limited to Mr. Herring and the NRC Staff.

Further details are provided in the Presiding Officer's Memorandum and Order (Hearing File and Specification of Claims), dated June 30, 1998. As there set forth, this informal adjudication may be decided entirely on the basis of the parties' written filings, together with relevant documents. In addition, the Presiding Officer has discretion to entertain oral presentations from the parties, as authorized by 10 CFR 2.1235, should he determine that such course of action would be necessary or useful in creating an adequate record for decision.

Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L. St. N.W., Washington D.C. 20555.

Rockville, Maryland, June 30, 1998.  
Presiding Officer.

**Charles Bechhoefer,**

*Administrative Judge.*

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